

WASHINGTON- Today's House Judiciary Committee hearing regarding the NCAA allowed the public to hear testimony that clearly showed the NCAA's disregard for openly public hearings. Sworn statements made by the NCAA representative also contradict widely known facts about their infraction hearing procedures.

In her prepared testimony regarding the NCAA's policy of not allowing open and public infractions hearings, NCAA representative Dr. Josephine Potuto stated: "extreme public interest among media and fans might create difficulties in maintaining an appropriate hearing atmosphere."

In response to the absurdity of her written statement, Congressman Bachus asked, "Are you saying one reason not to have an open public hearing is the extreme public interest- is that correct?" Potuto's answer was, "Yes".

In another exchange between Bachus and Potuto regarding the right of individuals under investigation to question their accusers during infractions hearings, Ms. Potuto seemed to give answers that can be categorized as nothing other than deceptive when compared to what is known about past infractions committee hearings:

POTUTO- "Anybody who appears at that hearing has that right...to ask questions of any individuals or party at that hearing."

BACHUS- "So anyone charged with an offense has the right to appear at the hearing and cross examine all the witnesses?"

POTUTO- "Cross-examining might not be the correct term for it, but certainly the right to inquire of anyone else who appears."

BACHUS- "To question the witnesses?"

POTUTO- "Of course."

However, Tulane Sports Law Professor Gary Roberts, in written testimony submitted for the record, clearly stated that, "Because most of the people with personal knowledge of the relevant facts are not permitted to attend, cross-examination of 'witnesses' is not possible. Rules of evidence are not followed, and whatever the committee allows will be heard.

In short, the proceeding is quite informal and haphazard by judicial standards".

In an interesting turn of events after the hearing concluded, NCAA officials denied knowledge of a press release posted on their official website that implied Congressman Bachus called for the hearings as retribution for sanctions against Alabama and Auburn. "I just can't seem to recall ever seeing that," said Wally Renfro when asked by reporters about the press release.

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